

ORDINANCE No. 276-08-08-26

AN ORDINANCE REGULATING DOGS, CATS, DOMESTIC ANIMALS, LIVESTOCK, FOWL AND WILD ANIMALS IN THE CITY OF BULVERDE, TEXAS; DEFINING OWNERS' DUTIES AND ANIMAL NUISANCES; SETTING FORTH THE DUTIES AND AUTHORITY OF THE ANIMAL CONTROL OFFICER; PROVIDING FOR ANIMAL IMPOUNDMENT, RELEASE AND DISPOSITION; PROVIDING FOR THE QUARANTINE AND DISPOSITION OF ANIMALS UPON SUSPICION OF RABIES; PROVIDING FOR ADMINISTRATIVE FINES & FEES AND CRIMINAL PENALTIES; PROVIDING FOR REVOCATION OF REGISTRATION AND REMOVAL FROM THE CITY OF BULVERDE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND REPEALING ANY ORDINANCE IN CONFLICT.

WHEREAS, there are an increasing number of residents within the corporate limits of the City of Bulverde, Texas; and

WHEREAS, an increasing number of said residents are being affected by dogs, cats, other domestic animals as well as livestock, fowl and wild animals; and

WHEREAS, residents of the City of Bulverde should be free to enjoy the public streets and places without fear of attack by stray animals; and

WHEREAS, because of said conditions and for the health, safety, and protection of the residents of the City of Bulverde, Texas; and

WHEREAS, the City Council deems it desirable to repeal the existing Animal Control Ordinance in its entirety and to enact a new Animal and Rabies Control Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF BULVERDE, TEXAS THAT:

SECTION 1. The Animal and Rabies Control Ordinance is hereby adopted and Attached as **Exhibit A** to this ordinance.

SECTION 2. SAVINGS CLAUSE: All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

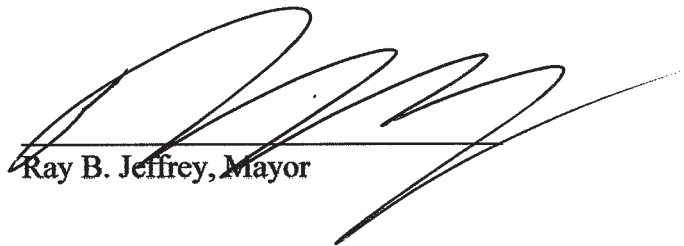
SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not effect the validity of the remaining sections of this ordinance. The City Council

hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

SECTION 4. EFFECTIVE DATE. The Ordinance shall be effective immediately following its publication in the local newspaper as required by Section 52.011 of the Texas Local Government Code. Thereafter, the rules contained therein will apply within the City of Bulverde.

PASSED AND APPROVED THIS 26th DAY OF AUGUST, 2008

By:



Ray B. Jeffrey, Mayor

Attest:



Tiffany Littlepage, City Secretary

City of Bulverde, Texas

Animal & Rabies Control Ordinance No. 276-08-08-26

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PREAMBLE:

The City of Bulverde has undertaken to establish this Animal & Rabies Control Ordinance to protect the public health and safety of its citizens and to promote the general welfare of the citizens and animals residing within the City. Animal ownership is encouraged and welcomed within this City; however, strong emphasis is placed on responsible ownership of animals. Animal owners are encouraged to respect the rights of their fellow citizens and also those of their animals. Primary responsibility is placed on the animal owner to properly train and secure an animal so as to prevent an animal from causing injury or creating a nuisance.

ARTICLE I. GENERAL

Sec. 1. Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Abandon means to desert or leave without care.

Animal means every non-human species of animal, both domestic and wild.

Animal at large means any domestic animal (excluding sterilized cats) not under restraint, both on and off the premises of the owner.

Animal Control Officer means any person designated by the City to enforce this Ordinance and the laws of the State of Texas.

Bird or fowl (domestic) means any domestic bird, fowl, or poultry including but not limited to: parakeet, parrot, cockatoo, canary, duck, turkey, goose, and chicken.

Bite means puncturing or tearing of the skin by an animal's teeth.

Cat means any domestic feline animal (*felis domesticus*).

City means the City of Bulverde, in Comal County, Texas.

Commercial animal establishment means any animal business, including but not limited to any pet shop, grooming shop, dog obedience training center, animal auction, riding school or stable, performing animal exhibition, or boarding or breeding kennel, or cattery.

Dangerous Animal means any animal that constitutes a physical threat to human beings or other animals.

Dog means any domestic canine animal (*canis familiaris*).

Domestic animal means any animal not considered wild, and also means caged birds, amphibians, fish, reptiles (other than poisonous or dangerous reptiles), small caged rodents and the common ferret (*P. furus*). All dogs and cats are considered domestic animals.

Feral means having escaped from domestication and reverted to a wild state.

Licensed veterinarian means a veterinarian licensed to practice veterinary medicine in one or more of the states of the United States.

Livestock means any domestic animal normally used or raised on a farm, including but not limited to: horses, ponies, mules, donkeys, cattle, goats, rabbits, sheep, and swine, regardless of age, sex, breed, or size.

Local Rabies Control Authority or Certified Animal Control Officer means the individual or agency designated by the City and assigned all duties required under the Rabies Control Act of 1981 (V.T.C.A., Health and Safety Code Section 826.001 et seq.).

Owner means any person owning, keeping, harboring or having charge or control of one or more domestic animals.

Person means an individual and/or any legal entity such as a corporation, general or limited partnership, limited liability company, etc.

Pet or companion animal means any animal, excluding livestock kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on humans for food and shelter.

Provocation means any act that causes an animal to bite, scratch, or attack in protection of self, owner, or owner's premises. Entrance, in any manner or for any reason, into an

area where an animal is properly under restraint in compliance with this Ordinance is considered provocation.

Quarantine means strict confinement for the purpose of observation or preventing the spread of disease, under restraint by closed cage, isolation, kennel, rabies chamber, paddock, or in any other manner approved by the Local Rabies Control Authority. Home quarantine may be allowed if the following criteria are met:

1. A secure enclosure approved by the local rabies control authority must be used to prevent escape.
2. The animal has been vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an unvaccinated animal is not over 16 weeks of age at the time of the potential exposure, it may be allowed home confinement.
3. The local rabies control authority or a veterinarian must observe the animal at least on the first and last days of the home confinement.
4. The animal was not a stray as defined in the Texas Health and Safety Code, §826.002, at the time of the potential exposure.

Rabies means that acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

Restraint means that an animal is secured by a leash or lead under the control of a physically capable person, or obedient to that person's commands. At all other times, restraint means that an animal is effectively confined to the premises of the animal's owner.

Scratch means a scrape left by the claws or nails of an animal and of sufficient severity to break the skin and draw blood.

Sick or injured animal means any animal that appears to be suffering from an infectious, contagious, or communicable disease or that is showing evidence of a physical injury, physical disorder, or traumatic injury.

Stray means a domestic animal at large.

Vaccinated means properly injected with a rabies vaccine licensed for use in the subject species by the United State Department of Agriculture and administered by or under the direct supervision of a licensed veterinarian.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

Wild animal means any animal except the common domestic species regardless of the state or duration of captivity.

Sec. 2. Penalty for Violation of Ordinance; Schedule of Fines

(a) Any person who is convicted of violating or failing to comply with any provision of this Ordinance shall, upon conviction, be liable for a fine of not less than \$1.00 and not more than \$2,000.00, unless the minimum fine set forth in subsection (c) below applies. Each and every day's violation may constitute a separate and distinct offense.

(b) Subsequent convictions for a violation of the same section of this Ordinance within a 12-month period may double the minimum applicable fine listed in subsection (c) of this section, up to and including the maximum allowed by law.

(c) Upon conviction of the specific violation listed, the fine imposed may be as follows:

| | |
|---|------------------|
| (1) No rabies vaccination | \$125.00 |
| (2) Animal at large or stray | |
| (a) unsterilized dog or cat | 125.00 to 500.00 |
| (b) sterilized dog | 75.00 to 500.00 |
| (c) any other animal | 75.00 to 500.00 |
| (3) Unrestrained and/or non-muzzled dangerous animal | 200.00 to 500.00 |
| (4) Unrestrained female dog or cat in heat | 125.00 to 500.00 |
| (5) Failure to surrender animal for rabies quarantine | 200.00 to 500.00 |
| (6) Public nuisance | 1.00 to 2,000.00 |

(d) In addition to the foregoing fines for violation of this Ordinance, all animals impounded for a third violation of the animal-at-large requirements of this Ordinance may be subject to sterilization and/or micro-chipping as a condition of return to the owner and at the owner's expense.

Sec. 3. Animal Control Facility

The Animal Control Facility shall be any facility, shelter, or establishment meeting the State of Texas minimum standards for impoundment, which the City operates, designates, or contracts with for the purpose of impounding and caring for dogs, cats, and other animals.

Sec. 4. Commercial Animal Establishment

It shall be unlawful for any person to operate a commercial animal establishment required to be licensed in accordance with State Law, unless the establishment is located in a suitably zoned commercial zone. It is provided, however, that the City may issue

temporary permits for school, church, charity, or other public activities, not to supersede Art. II, Sec. 1(c) prohibiting the giving away of animals. All cages, pens, and enclosures shall be clean and sanitary to prevent disease transmission and all animals shall be treated with humane care. Premises shall be subject to inspection by the Animal Control Officer or an authorized veterinarian.

ARTICLE II. CARE & KEEPING OF ANIMALS

Sec. 1. Animal Cruelty, Mistreatment, Abandonment, Etc.

(a) It shall be unlawful for the owner of an animal to fail to provide the animal with adequate amounts of wholesome and nutritious food, water in sufficient quantities, adequate ventilation, adequate space for exercise, shelter that protects the animal from the elements (sun, wind, rain, freezing temperatures, etc.), veterinary care when needed to prevent suffering, and overall humane care and treatment.

(b) It shall be unlawful for the owner of an animal or for any person to beat, cruelly treat, torture, torment, overload, overwork, or otherwise abuse any animal; or unnecessarily kill; or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals, whether wild or domestic, or between animals and humans.

(c) It shall be unlawful to give away any live animal as a prize or as an inducement to enter any contest, game, or other competition; as an inducement to enter a place of amusement; or, as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting or attempting to attract trade.

(d) It shall be unlawful for any person to abandon, desert, or dump any dog, cat (excluding a cat being returned as part of a T-N-R program), or other animal in the City.

Sec. 2. Keeping of Domestic Animals, Livestock, and Fowl

(a) All owners must keep their pets and companion animals at residential premises permanently occupied and inhabited.

(b) It shall be unlawful for any person to possess or keep swine in the City at any time.

(c) Livestock (excluding swine), birds, or fowl may be kept in any zoning district. All barns, structures, enclosures, coops, or pens shall be kept in a clean, safe, and sanitary condition, and in such manner and location as not to become offensive to adjacent neighbors or to the public.

(d) This section shall not apply to the City's Animal Control Facility, Humane Societies, veterinary establishments, animal hospitals operated by a licensed veterinarian, or commercial animal establishments located on property zoned for such purposes. Such establishments, however, must meet sanitation requirements and keep animals securely caged or penned.

Sec. 3. FFA / 4-H Projects

(a) Animals that are normally and customarily kept as approved FFA or 4-H projects, including rabbits, chickens, turkeys, sheep, goats, cattle, and horses, but excluding swine, will be allowed in any zoning district.

(b) Animal projects based on a confined feeding program shall at all times be maintained in a clean, sanitary condition so as not to become a nuisance or health or safety hazard.

(c) Project animals shall be restrained and protected by the use of proper pens, fencing, shelters, and structures, and all pens, shelters, and structures shall be designed to protect project animals from the elements. Ample space shall be provided to permit the project animal to live in a healthy and safe environment. All animal projects must have a feeding and care program consistent with best management feeding and care practices, including a quality water source that is available to an animal at all times.

Sec. 4. Keeping of Wild Animals

(a) It shall be unlawful for any person or entity, except in the operation of a lawful zoo or pursuant to a valid state license, to keep or harbor any wild animal or fowl, poisonous or dangerous reptile, or hybrid animal (e.g., domestic dogs crossbred with wolves, coyotes, or jackals; domestic cats crossbred with ocelots or margays) within the City.

(b) The owner of wild animals, fowl or reptiles kept pursuant to a valid United States of America or State of Texas license may seek a variance from the City to keep them with such conditions as may be imposed by the City for the granting of a variance.

Sec. 5. Management of Feral Cat Colonies – Trap-Neuter-Return (T-N-R) program required

This Ordinance recognizes that within the City there are colonies of unowned, feral cats that are supported and managed by property owners or other persons within the City. The City encourages stabilization of the free-roaming cat population in the City by proper management of such population. Colony caretakers of managed colonies of free-roaming cats shall not be deemed to be owners of such cats. Proper management of a feral cat colony includes a T-N-R program (trap-neuter-return), and it shall be unlawful for a person to regularly feed, water, and provide support to a feral cat colony without either (a) including a regular program of T-N-R in order to control colony population, or (b) reporting the colony to a local feral cat management organization and cooperating with such organization so that the organization can provide the T-N-R services to control colony population.

Sec. 6. Dangerous Dogs

(a) The City does hereby adopt for this Ordinance the provisions of V.T.C.A., Health & Safety Code Section 822, Subchapter D, Sections 822.041 *et seq* for the purposes of and procedures for identifying, declaring, and regulating dangerous dogs within the City,

provided, however, when the provisions of the state law conflict with more restrictive provisions then the following shall control:

1. the owner of a dangerous dog shall pay an annual fee of \$100.00 to the City or Animal Control Officer,
2. the owner of a dangerous dog shall be required to have the dog spayed or neutered and provide proof to the City or Animal Control Officer,
3. only one dangerous dog may be owned per household, and,
4. no more than two dangerous dogs may remain at any residence for more than seven days.

(b) In addition to all other provisions adopted by this Section, it shall be unlawful for a dog that has been identified and declared under this Section to be a dangerous dog, to be outside of its kennel, pen, yard, or other enclosure without a muzzle and under restraint by its owner on a leash or lead.

Sec. 7. Safety of Animal in Motor Vehicle, Trailer, or Truck Bed

(a) It shall be unlawful for any person to leave an animal in any standing or parked vehicle or trailer for any period of time under such condition as to endanger the health or well-being of such animal due to heat, lack of food or water, or such other circumstances as may reasonably be expected to cause suffering, disability, or death.

(b) It shall be unlawful for any person to transport or carry on any public roadway any animal in a motor vehicle unless the animal is safely enclosed within the vehicle; if traveling in an open vehicle or open area of a vehicle (including but not limited to convertibles, pick-up trucks, jeeps, and flatbed trucks), the animal shall be confined by a secured, vented container or cage, or by chain, rope, or other device cross-tied to prevent the animal from falling off or jumping from the motor vehicle or from strangling on a single leash.

(c) Upon finding an animal in a motor vehicle or trailer in violation of this section, the Animal Control Officer is authorized to obtain a locksmith at the animal owner's expense or break and enter the vehicle or trailer if necessary to remove the animal. Removed animals may be impounded, and the Animal Control Officer shall leave a written notice bearing the Officer's name and the address where the animal may be reclaimed.

Sec. 8. Tying or Staking

It shall be unlawful for any person to tie or stake an animal with a leash, chain, or any type of tether. This section does not apply during a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity. EXCEPTIONS. Section 8 does not apply to:

1. A dog restrained for a reasonable period, not to

exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained;

2. A dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog;

3. A dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or

Sec. 9. Enclosure for Dogs

An outdoor enclosure for a dog must be large enough to allow adequate space for exercise.

Sec. 10. Exposing Animals to Poisonous Substances

It shall be unlawful to intentionally expose any known poisonous substance, whether mixed with food or not, in a manner that the substance is likely to be eaten by an animal. It shall be lawful for a person to expose on the person's own property common rat poison for the sole purpose of rat or mice control.

Sec. 11. Trapping

(a) The Animal Control Officer is authorized to trap wild or domestic animals at large by means of live cage traps or by any other means recommended by state authorities.

(b) It shall be unlawful for any person to remove, alter, damage, or tamper with a trap or equipment set out by the Animal Control Officer or to remove or release an animal in a trap set out by the Animal Control Officer.

(c) It shall be unlawful for any person to set any form of trap, including leg hold traps, body traps, or any trap, other than humane live cage traps, that has not been approved by the Animal Control Officer.

(d) It shall be unlawful for any person to expose an open trap or metal jaw-type trap within the City.

(g) It shall be unlawful to intentionally trap a cat that has a collar or an ear-tip designating that cat as being owned or part of a managed feral cat colony. Domestic free-roaming, sterilized cats and feral cats that are part of a managed feral colony shall be returned and released if trapped.

(h) This section shall not prevent the trapping of rodents considered common household pests, such as rats and mice, by common rat-traps.

Sec. 12. Removal of Animal Waste

The owner of every animal shall be responsible for the removal of any excreta deposited by the owner's animal on public walks, recreation areas, or private property, including the property of the owner. All property owners shall be responsible for keeping the owner's property in a clean and sanitary condition such that the property does not become a nuisance due to an accumulation of animal waste.

Sec. 13. Inspection of Animals and Premises

Upon reasonable suspicion of animal abuse, mistreatment, neglect, or the existence of a harmful or nuisance condition, animals and premises where animals are kept or maintained shall be subject to inspection by the Animal Control Officer, at any reasonable hour, or, in cases of emergency, at any hour.

Sec. 14. Compliance with other Regulations

(a) The keeping of any animal in accordance with the provisions of this Ordinance shall not be construed to authorize the keeping of such animal in violation of any zoning or other City ordinance, or State law.

(b) This Ordinance shall not be construed to authorize the keeping of an animal where such animal is prohibited by a valid subdivision rule or regulation or deed restriction.

ARTICLE III. ANIMAL CONTROL

Sec. 1. Restraint

(a) All owners shall keep their animals (excluding sterilized cats) under restraint and not allow them to stray or run at large. This section shall not be construed as to prohibit trained dogs that are a part of a canine unit operated by a law enforcement agency from being unrestrained while in the performance of their law enforcement and public safety functions within the City.

(b) Sterilized cats are not required to wear a collar, be on a leash or under restraint. However, a free-roaming cat is subject to the nuisance provisions of this Ordinance.

(c) It shall be unlawful for any owner to fail, refuse, or neglect to exercise proper care and control of the owner's animal to prevent the animal from becoming a public nuisance.

Sec. 2. Confined during Estrus (heat)

All owners shall confine their female dogs or cats in estrus (heat) during the entire estrus period in a house, building, or secure pen so that no male dog or cat may gain unplanned access to the confined animal.

Sec. 3. Authority of Animal Control Officer

(a) Any animal at large in violation of this ordinance may be impounded at the City Animal Control Facility and confined in a humane manner.

(b) The Animal Control Officer shall have the right, when immediately necessary, to pursue and apprehend stray animals or animals at large on private property without first requesting permission from the owner of the property before entering that property and without obtaining a search warrant. Private property shall not include residential buildings or storage buildings.

(c) When a dog, unsterilized cat, or other animal is found at large and its ownership is verified, the Animal Control Officer may exercise the option of citing the owner for a violation of this Ordinance without impounding the animal. The City shall establish a prima facie case by proving the ownership of the animal and that it was running at large.

Sec. 4. Enforcement of Ordinance and Interference

The civil and criminal provisions of this ordinance shall be enforced by the Animal Control Officer and such other persons or agencies designated by the City. It shall be unlawful for any person to interfere with an Animal Control Officer in the performance of his/her duties.

Sec. 5. Authority to Destroy Certain Animals

If an injured, diseased, dangerous or suffering animal found at large cannot be safely or humanely taken up and impounded, the animal may (if deemed necessary) be destroyed by any authorized police officer or Animal Control Officer.

ARTICLE IV. COMMERCE IN LIVE ANIMALS

(a) It shall be unlawful for any person to sell, trade, barter, lease, rent, give away, or display for a commercial purpose a live animal on a roadside, public right-of-way or commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event.

(b) This section does not apply to an event primarily for the sale of agricultural livestock such as hooved animals or animals commonly raised for food, dairy, or fiber products; or to an I.R.C. 501(c)3 animal shelter or rescue group..

ARTICLE V. ANIMALS CONSTITUTING PUBLIC NUISANCE

Sec. 1. Public Nuisance Animal

It shall be unlawful for any owner's animal to become a public nuisance animal. A "public nuisance animal" is any animal that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens or other persons to the enjoyment of life or property. The term "public nuisance animal" means and includes, but is not limited to, any animal that:

- a. is repeatedly at large or stray;
- b. damages property;
- c. attacks, molests or intimidates humans or other animals;
- d. chases vehicles;
- e. excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance or disturbance;
- f. causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort;
- g. causes unsanitary conditions;

Sec. 2. Notice to Abate

(a) Upon discovery of an animal-related nuisance prohibited by this Ordinance, it shall be the duty of the Animal Control Officer or other officer, employee, or agent of the City to give the owner of the animal and the property owner, as applicable, notice of the violation to be corrected within 10-days from receipt of such notice. The owner of real property shall be the owner listed on the most current tax rolls of the Comal County Appraisal District.

(b) A notice to abate shall be in writing, served upon the animal owner and property owner, as applicable, in person or addressed by letter to such owner at the owner's post office address. The Notice to Abate shall be sent Return Receipt Requested.

Sec. 3. Contents of Notice

(a) A notice to abate a nuisance issued under the provisions of this Article shall contain:

- 1. An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances,
- 2. The location of the nuisance if the same is stationary,
- 3. A description of what constitutes the nuisance,
- 4. A statement of the acts necessary to abate the nuisance, and,
- 5. A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the City will abate such nuisance and assess the cost thereof against such person.

Sec. 4. Abatement by City

Should any animal owner or property owner fail to comply with the notice to abate given by the City, the City may proceed with enforcement of this Article through its municipal

court or may enter upon the property and take the necessary steps to abate such violations and prepare a statement of costs incurred in abatement thereof.

Sec. 5. Emergency Abatement by City

When in the opinion of the Animal Control Officer there is an actual and immediate danger to the public or occupants of premises caused by an animal-related nuisance on any private or public premises, the Animal Control Officer is authorized and empowered, without notice or hearing, to order and require such nuisance abated. The Animal Control Officer shall immediately post, in the case of private premises, warning of the dangerous condition and shall then abate such nuisance and prepare a statement of costs incurred in the abatement thereof.

Sec. 6. Collection of Costs Incurred

(a) Expenses incident to an abatement action by the City under this Article, plus an additional service charge as set by the City to cover administrative costs, shall be assessed against the animal owner and/or property owner as applicable. An itemized bill of such costs shall be mailed by the City to each owner if the address is known. If a bill assessed against a property owner remains unpaid for a period of 30-days after the date of mailing, the mayor, Animal Control Officer, or municipal official designated by the mayor shall file a statement of expenses with the County Clerk.

(b) Upon filing a statement of expenses with the County Clerk, a lien attaches to the property of the property owner upon which such expenses are incurred. The statement of expenses shall state the name of the owner, if known, and the legal description of the property. The lien obtained by the City is security for the expenditures made, together with interest as allowed by law. The lien is inferior only to tax liens and liens for street improvements.

(c) For any such debt and interest, the City may bring suit for foreclosure in the name of the City to recover the expenses and interest due. In such suits, the statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the City in abating the nuisance.

Sec. 7. Penalty

(a) In a prosecution for violations of any provision of this Article, no culpable mental state shall be required. Any person violating any provision of this Article shall, upon conviction, be punished under Article 1, Sec. 2.(c)(6). Each day that a nuisance continues after the time for abatement shall constitute a separate offense. On conviction, the court shall order removal and abatement of the nuisance.

(b) Nothing in this Article prohibits or limits the authority of the City to determine and abate a nuisance under other applicable ordinances of the City, or County or State rules, regulations, or laws.

ARTICLE VI. IMPOUNDMENT

Sec. 1. Tampering with Impound Facility

It shall be unlawful for any person, directly or indirectly, without proper authority, to release any animal from any impound facility, or to tamper with any enclosure belonging to or used by the City for the purpose of confining any animal.

Sec. 2. Impoundment, Time of Impoundment, and Violation Notice

(a) Unrestrained dogs, stray animals, animals at large, and animals deemed to be a nuisance, shall be impounded by the Animal Control Officer in the Animal Control Facility and kept in a humane manner. Any animal that poses a threat to public health and safety, any wild animal kept illegally, or any animal that has been cruelly treated or abused shall also be impounded.

(b) An animal not claimed by its owner within 5-days shall become the property of the City and may be disposed of by humane euthanization or in such other manner as the City determines.

(c) If the owner of an impounded animal can be identified, the Animal Control Officer shall, upon impoundment of the animal, notify the Owner by direct contact, telephone, mail, or other reasonable means that the animal has been impounded.

(d) Sick or injured animals without identification or for which ownership otherwise cannot be determined may be kept 0 to 72-hours at the discretion of the Animal Control Officer after consultation with a licensed veterinarian.

(e) In addition to, or in lieu of, impounding an animal found at large, an Animal Control Officer or law enforcement officer may issue to the owner of the animal found at large a citation for violation of this Ordinance.

Sec. 3. Redemption of Animal and Disposition of Impounded Animals

(a) No sick or injured impounded animal shall be released to the owner until the Animal Control Officer is satisfied that arrangements have been made for proper treatment of such animal.

(b) The owner of any impounded animal may reclaim such animal within 5 days from the Animal Control Facility by paying all impoundment fees and expenses of taking up and keeping such animal, including the cost of micro-chipping and/or sterilization, as applicable (See Article 1, Sec.2.(d)). No animal will be released without proof of current rabies vaccination.

ARTICLE VII. RABIES CONTROL & QUARANTINE

Sec. 1. Rabies Vaccination & Quarantine

(a) As provided by Section 826.013, V.T.C.A. Texas Health & Safety Code, the City does hereby adopt V.T.C.A. Texas Health & Safety Code Chapter 826, Rabies Control Act of 1981, and the rules and regulations promulgated there under, for the purpose of rabies vaccination and quarantine requirements and procedure for the City (excluding, however, any provisions in the Act concerning licensing of animals, which is not required by the City).

(b) The owner of each dog or cat shall have the animal vaccinated against rabies by three months of age. The animal must receive a booster within the 12-month interval following the initial vaccination. Every dog or cat must be vaccinated against rabies at a minimum of at least once every three years with a rabies vaccine licensed by the United States Department of Agriculture.

(c) Any dog not wearing a valid tag is presumed to be unvaccinated.

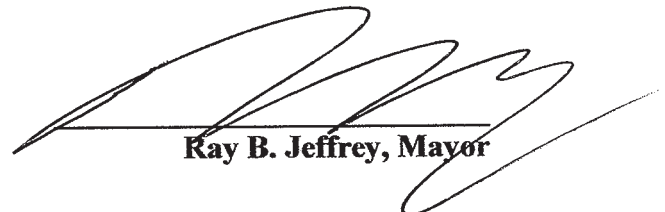
Sec. 2. Reporting Bites and Scratches, Exposure to Rabies

(a) The receipt of a bite or scratch from any warm-blooded animal, animal to human or animal-to-animal, is reason to suspect exposure to rabies.

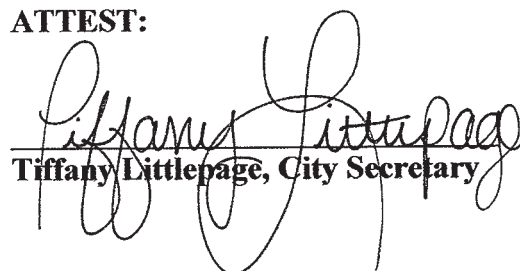
(b) Any person having knowledge of the existence of any animal within the City exhibiting symptoms of being exposed to rabies or that has bitten, scratched or otherwise attacked an individual or another animal shall report the animal or incident to the local rabies control authority or certified animal control officer as soon as possible, but no later than 24-hours from the time of the incident. The report shall include the name and address of any victim and the owner of the animal, if known, and any other information relating to the animal or incident.

(c) Any animal not reclaimed by its owner within 24-hours of the expiration of a quarantine period shall be deemed to have been abandoned by its owner.

PASSED, APPROVED this the 26th day of August, 2008.


Ray B. Jeffrey, Mayor

ATTEST:


Tiffany Littlepage, City Secretary